

DOCKETED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

JUN 20 PM 2 34

THE MAGNAVOX COMPANY, a)
Corporation, and SANDERS)
ASSOCIATES, INC., a)
Corporation,)

Plaintiffs,)

v.)

BALLY MANUFACTURING)
CORPORATION, a Corporation,)
et al.,)

Defendants.)

Civil Action
No. 74 C 1030

CLERK
U.S. DISTRICT COURT

C.

NOTICE OF TAKING DEPOSITION

To: Donald L. Welsh, Esq. Melvin M. Goldenberg, Esq.
A. Sidney Katz, Esq. McDougall, Hersh & Scott
Fitch, Even, Tabin & Luedeka 135 South LaSalle Street
135 South LaSalle Street Chicago, Illinois 60603
Chicago, Illinois 60603

Edward C. Threedy, Esq.
Threedy & Threedy
111 West Washington Street
Chicago, Illinois 60602

PLEASE TAKE NOTICE that at 9:30 a.m. on the 14th day of July, 1975, at the County Law Library Conference Room, 270 Grant Avenue, Palo Alto, California, the plaintiffs in the above-identified action will take the deposition of Nutting Associates, Inc. pursuant to Rule 30(b)(6), F.R.Civ.P. The deposition will be upon oral examination before a notary public, or before some other officer authorized by law to administer oaths, and will continue from day to day until completed.

A subpoena duces tecum is to be served on the party to be deposed. The designation of the materials to be produced as stated in the subpoena is set forth in Attachment A hereto. The matters on which examination is requested in that subpoena are set forth in Attachment B hereto.


Theodore W. Anderson

Attorney for Plaintiffs
The Magnavox Company
and
Sanders Associates, Inc.

77 West Washington Street
Chicago, Illinois 60602
(312) 346-1200

June 11, 1975

Of Counsel:

Thomas A. Briody
The Magnavox Company
1700 Magnavox Way
Fort Wayne, Indiana 46804

Louis Etlinger
Sanders Associates, Inc.
Daniel Webster Highway, South
Nashua, New Hampshire 03060

James T. Williams
Neuman, Williams, Anderson & Olson
77 West Washington Street
Chicago, Illinois 60602

ATTACHMENT A

1. Schematic diagrams, circuit diagrams, and wiring diagrams of the following video games made, used, or sold by deponent and sold to either Empire Distributing, Inc., World Wide Distributors, Inc., Seeburg Industries, Inc., The Seeburg Corporation of Delaware, or Williams Electronics, Inc., or any distributing companies owned by any of the aforementioned parties:

Computer Space NA-2010

Space Ball

2. Assembly manuals and assembly instructions, alignment manuals and alignment instructions, quality control standards and quality control specifications, set-up manuals and set-up instructions, installation manuals and installation instructions, and service manuals and service instructions for the video games made, used, or sold by the deponent identified in paragraph 1 hereof.

3. Player or participant instructions for the video games made, used, or sold by the deponent identified in paragraph 1 hereof.

4. Advertising or promotional materials including,

but not limited to, brochures, pamphlets, handouts, fliers, leaflets, mailers, information sheets, advertisements, movies, video tapes, slides, and catalog sheets relating to the video games made, used, or sold by the deponent identified in paragraph 1 hereof.

5. All documents relating to any acquisition, possession, examination, inspection, or analysis by the deponent or on deponent's behalf of one or more of the video game apparatus sold by The Magnavox Company under the trademark ODYSSEY and the deponent's use of any results of or findings from any such acquisition, possession, examination, inspection, or analysis.

6. All documents relating to any acquisition by the deponent of knowledge of the construction and operation of the video game apparatus sold by The Magnavox Company under the trademark ODYSSEY and the deponent's use of such knowledge.

7. All communications and records of communications between deponent and either Bally Manufacturing Corporation, Midway Mfg. Co., Chicago Dynamic Industries, Inc., Seeburg Industries, Inc., The Seeburg Corporation of Delaware, or Williams Electronics, Inc. and relating to any design or development by deponent of any video game for the party with which the communication was had.

8. All patent license agreements or understandings, know how license agreements or understandings, design agreements or understandings, development agreements or understandings, and patent indemnity agreements or understandings between deponent and either Bally Manufacturing Corporation, Midway Mfg. Co., Empire Distributing, Inc., Chicago Dynamic Industries, Inc., Seeburg Industries, Inc., The Seeburg Corporation of Delaware, Williams Electronics, Inc., or World Wide Distributors, Inc. or any distributing company owned by any of the aforementioned parties and relating to video games and all documents relating to any such agreements or understandings.

ATTACHMENT B

1. The manner in which the following video games made, used, or sold by the deponent are played:

Computer Space NA-2010

Space Ball

2. The construction and operation of the video games made, used, or sold by the deponent identified in paragraph 1 hereof.

3. The identification of the cathode ray tube display apparatus used in the video games made, used, or sold by the deponent identified in paragraph 1 hereof.

4. The modifications made by deponent to the cathode ray tube display apparatus used in the video games made, used, or sold by the deponent identified in paragraph 1 hereof.

5. The facts and circumstances relating to any acquisition, possession, examination, inspection, or analysis by the deponent or on deponent's behalf of one or more of the video game apparatus sold by The Magnavox Company under the trademark ODYSSEY and the deponent's use of any results of or findings from any such acquisition, possession, examination, inspection, or analysis.

6. The facts and circumstances relating to any acquisition by the deponent of knowledge of the construction and operation of the video game apparatus sold by The Magnavox Company under the trademark ODYSSEY and the deponent's use of such knowledge.

7. The facts and circumstances relating to any design or development by deponent of any video games for either Bally Manufacturing Corporation, Midway Mfg. Co., Chicago Dynamic Industries, Inc., Seeburg Industries, Inc., The Seeburg Corporation of Delaware, or Williams Electronics, Inc.

8. The existence and terms of all patent license agreements or understandings, know how license agreements or understandings, design agreements or understandings, development agreements or understandings and patent indemnity agreements or understandings between deponent and either Bally Manufacturing Corporation, Midway Mfg. Co., Empire Distributing, Inc., Chicago Dynamic Industries, Inc., Seeburg Industries, Inc., The Seeburg Corporation of Delaware, Williams Electronics, Inc., or World Wide Distributors, Inc. or any distributing companies owned by any of the aforementioned parties and relating to video games.

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "Notice of Taking Deposition" and "Attachment A" and "Attachment B" thereto were served upon defendants Bally Manufacturing Corporation, Empire Distributing, Inc., and Midway Mfg. Co., by mailing copies thereof to Donald L. Welsh, Esquire, upon defendants Seeburg Industries, Inc., The Seeburg Corporation of Delaware, Williams Electronics, Inc., and World Wide Distributors, Inc. by mailing copies thereof to Melvin M. Goldenberg, Esquire, and upon defendant Chicago Dynamic Industries, Inc. by mailing copies thereof to Edward C. Threedy, Esquire, all by first class mail, postage prepaid and all on this 11th day of June, 1975.



Attorney for Plaintiffs